

the Examiner in the August 24, 2000 Office Action Summary, the claimed invention is a national phase entry of PCT/SE93/00960, and claims priority to the November 11, 1992 filing date of Swedish patent application 9203435-4, as evidenced in the Notification of Acceptance of Application under 35 U.S.C. § 371 of May 10, 1996 (copy attached). Thus, the priority date of the claimed invention is earlier than the filing date of the Mosbach et al. patent, and the Mosbach et al. patent is not prior art under 35 U.S.C. § 102(e). Therefore, this rejection should be withdrawn.

Response to Rejections under 35 U.S.C. § 103(a)

Claims 27-35 have been rejected under 35 U.S.C. 103(a) as being obvious over U.S. Pat. No. 5,110,833 ("Mosbach"). The applicants respectfully traverse this rejection.

The Examiner alleges that Mosbach discloses artificial antibodies which are of the same composition as of the instant claims. The Examiner acknowledges that Mosbach does not disclose antibodies having a particle size of less than 5 microns, but suggests that polymer particle sizes of less than 5 microns are commonly used in immunoassays and other immunological techniques involving antibodies, and suggests that modifying the particle size to be less than 5 microns would have been obvious to one of ordinary skill in the art at the time of the invention.

The applicants submit that the claimed invention would not have been obvious because one of ordinary skill would not have been motivated to modify the Mosbach artificial antibodies to arrive at the claimed invention. Mosbach relates to the use of molecular imprinting techniques for preparation of synthetic enzymes and synthetic antibodies, and does not disclose using artificial antibodies in applications ~~that would~~ that would suggest using particle sizes less than 5 microns. Moreover, although the Examiner alleges that particle sizes less than 5 microns are commonly used in immunoassays and other immunological techniques involving antibodies, the Examiner cites no references in support of this position. The Examiner does not point to anything in the prior art that would have suggested to one of ordinary skill that artificial antibodies should be as small as natural antibodies. The applicants respectfully request the Examiner to cite references in support of the Examiner's position, and submit that one of ordinary skill in the art would not have been motivated to modify Mosbach to produce artificial antibody particles of less than 5 microns. Therefore, the

Serial No.: 09/305,738

Docket No.: 2324-7028US1

claimed invention would not have been obvious based on this reference and this rejection should be withdrawn.

Claims 27-35 have been rejected under 35 U.S.C. 103(a) as being obvious over Mosbach et al. in view of Mosbach. The applicants respectfully traverse this rejection. As discussed above, the Mosbach et al. patent is not available as prior art and, therefore, this rejection should be withdrawn.

CONCLUSION

In view of this Amendment, a timely Notice of Allowance is respectfully requested.

AUTHORIZATIONS

The Commissioner is hereby authorized to charge any additional fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 13-4503, Order No. 2324-7028US1. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,

Morgan & Finnegan, L.L.P.

Date: Dec. 8, 2008

By: 

William E. Sekyi
Registration No. 45,831
(202) 857-7887 Telephone
(202) 857-7929 Facsimile

Correspondence Address
Morgan & Finnegan, L.L.P.
345 Park Avenue
New York, New York 10154